

IV. Remarks

Responsive to the outstanding Examiner's Action, the applicant has carefully studied the Examiner's comments. Favorable reconsideration of this application is respectfully requested in light of the following detailed discussion.

Claims 12-24 and 26-28 are pending in the application and stand rejected. Claims 1-11 have been cancelled. Claim 25 is withdrawn. Claims 12, 26, 27 and 28 have been amended. A listing of the pending claims, along with a status indicator of each claim, appears above.

Claims 12-24 and 26-28 were rejected under 35 USC 112, first paragraph. On August 7, 2009 the Examiner and the undersigned discussed the rejection in a phone interview. The undersigned proposed the claim amendment to claim 12 that is presented herewith. The Examiner indicated that the proposed amendment was acceptable and that it overcame the 35 USC 112, first paragraph rejection. The undersigned and the Examiner also discussed that independent claim 26 would be similarly amended to overcome the rejection.

The limitation of at least one channel structure having a length scale that is an order of magnitude larger than the microstructures is best appreciated by Figs. 1-3. The limitation of the substructure having a length scale that is an order of magnitude smaller than the microstructures can be best seen in Figs. 2-4, and further on page 11, lines 1-13 in the specification.

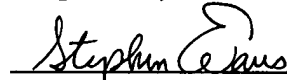
In light of the above discussion and the amendments to claims 12 and 26, amended claims 12 and 26 of the present invention are patentable. Furthermore, claims 13-24 and 27-28 each depend on claims 12 or 26, either directly or indirectly, and contain all of the limitations thereof. Therefore, because claims 12 and 26 are patentable and claims 13-24 and 27-28 each depend on claims 12 and 26, claims 13-24 and 27-28 are patentable over the references and rejections.

No fees are believed due with this response. In the event that fees are due, please charge them to Deposit Account No. 13-1816. Kindly credit any overpayment to the same account. In either case, please associate D030001-17858001 with any credit or debit of the Deposit Account.

In light of the remarks above, it is believed the claims are now in condition for allowance and an early Notice of Allowance is respectfully requested.

Should the Examiner wish to modify any of the language of the claims, applicant's attorney suggests a telephone interview in order to expedite the prosecution of the application.

Respectfully submitted,



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